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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

19 CR 338 (GHW)

6 MOAZU KROMAH,

7 Defendant.
-----x

8 New York, N.Y.
9 June 19, 2019

10 Before:

11 HON. GREGORY H. WOODS,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN
15 United States Attorney for the
16 Southern District of New York
17 JARROD SCHAEFFER
18 SAGAR RAVI
19 Assistant United States Attorneys

20 FEDERAL DEFENDERS OF NEW YORK
21 Attorneys for Defendant
22 SABRINA SHROFF

23 ALSO PRESENT: Mandingo Interpreter PA B.F. Drammeh

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1 THE DEPUTY CLERK: The Court calls the case of United
2 States v. Moazu Kromah, 19 CR 338. Counsel, please state your
3 names for the record.

4 MR. SCHAEFFER: Jarrod Schaeffer and Sagar Ravi for
5 the government. Good afternoon.

6 THE COURT: Thank you. Good afternoon.

7 MS. SHROFF: Good afternoon, your Honor. For
8 Mr. Kromah who is seated to my left, Federal Defenders of New
9 York by Sabrina Shroff. I am standing up for my colleague
10 Julia Gatto because she is on duty and, unfortunately, couldn't
11 make it up because she's doing arraignments.

12 THE COURT: Good. Thank you very much. So, thank you
13 very much for being here.

14 First let me note for the record that we're using the
15 services of an interpreter for today's proceeding. I will ask
16 that the defendant and counsel please let me know if the
17 defendant has any difficulty hearing or understanding anything
18 that's said here today.

19 Ms. Shroff, can you confirm that the defendant can
20 hear and understand what's happening here today?

21 THE DEFENDANT: Yes, I understand.

22 THE COURT: Thank you very much.

23 So, counsel, we're here for a number of purposes. I
24 understand the defendant has already been presented and
25 arraigned before the magistrate court in this matter. As a

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1 result, there is a relatively limited number of things that I
2 hope to accomplish during the course of today's conference. In
3 particular, I hope to learn more about the nature of the
4 charges in this offense, to hear about the status of any other
5 defendants in the case, and to discuss discovery and to set a
6 schedule for the remainder of the proceedings in this case. So
7 that's my agenda with respect to this matter.

8 So counsel for the United States, can I turn to you at
9 the outset. Can you please describe the nature of this case.

10 MR. SCHAEFFER: Yes, your Honor. This case basically
11 breaks down into two larger buckets. One is wildlife
12 trafficking, and one is narcotics, conspiracy to traffic in
13 narcotics. Mr. Kromah is not charged in the narcotics portion.
14 There are four defendants who are charged in this case.
15 Mr. Kromah is the only one currently in United States custody.
16 Another defendant has been arrested and is awaiting extradition
17 in Senegal.

18 With respect to the charges against Mr. Kromah --

19 THE COURT: Counsel, before you go on. Can you tell
20 me what information you have regarding the amount of time that
21 you anticipate it will take for the defendant who has been
22 detained in Senegal to be extradited to the United States?

23 MR. SCHAEFFER: Unfortunately, I don't have a
24 definitive timeline for that, your Honor. The extradition
25 requests have been submitted. And I know that the Office of

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1 International Affairs at the Department of Justice is in talks
2 with the country of Senegal about the process that is taking
3 place. I'm not sure if they have a timeline, but I'm happy to
4 check with them and report back to the Court.

5 THE COURT: Thank you. Do you have any other
6 information you can share with the Court at this time regarding
7 the status of the other two defendants?

8 MR. SCHAEFFER: The other two defendants are currently
9 fugitives, your Honor.

10 THE COURT: Please proceed, counsel.

11 MR. SCHAEFFER: With respect to the charges against
12 Mr. Kromah, they are charges, both substantive and conspiracy,
13 related to wildlife trafficking, specifically rhinoceros horns
14 of both black rhinoceros and white rhinoceros, as well as the
15 intending trafficking of elephant ivory or tusks.

16 Mr. Kromah is alleged to have participated fully in
17 those violations by facilitating the supply of those wildlife
18 materials and also facilitating the transport of those
19 materials with the intended destination of Manhattan.

20 THE COURT: Counsel for the United States, at this
21 point does the government anticipate filing any superseding
22 indictments, adding defendants or additional charges?

23 MR. SCHAEFFER: The government's investigation is
24 ongoing. It is possible that additional individuals will be
25 charged in a superseding instrument.

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1 THE COURT: Thank you. Good. So the counsel for the
2 United States, I'd like to ask what the nature of the discovery
3 is here so that we can use that information to talk about next
4 steps in the case.

5 Counsel, what can you tell me about discovery in the
6 case.

7 MR. SCHAEFFER: Discovery is rather extensive and
8 would consist of a large amount of electronic or video and
9 audio evidence. There are a significant number of videos of
10 meetings with Mr. Kromah and his co-conspirators in which they
11 discuss elements of the scheme. And there's also subpoenas
12 that were issued for bank records and cash transfer records.
13 And then there are records of chats, specifically WhatsApp
14 messages between various individuals involved in the scheme.
15 All of those are currently being assembled and being prepared
16 for production to the defense.

17 In addition, we are endeavoring to obtain any
18 extradition materials from Uganda from which Mr. Kromah was
19 removed, and we would provide those as well to the defense to
20 the extent they are discoverable. In addition, Mr. Kromah was
21 Mirandized and did make a few statements to U.S. officials.
22 Those are also being prepared to be disclosed to the defense.

23 Much of that we can prepare and turn over very
24 quickly, beginning as early as next week. And given the volume
25 of the material, and the complications that often attend

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1 producing a lot of electronic material, especially videos, we
2 would ask for 30 days to complete a rolling production of
3 discovery.

4 THE COURT: Counsel for the United States, I'm
5 directing that you complete rolling production of discovery to
6 the defense within that 30-day window as described.

7 Counsel for defendant, given the description of the
8 discovery and the timeline that's just been articulated by
9 counsel for the United States, what's your proposal regarding
10 appropriate next steps in this case?

11 MS. SHROFF: Your Honor, I just wanted to make sure I
12 understood two things correctly. One, that the government is
13 saying there are no additional charges against this defendant
14 but there could be new defendants added?

15 THE COURT: Thank you. Counsel for the United States,
16 if you wish to comment, you may.

17 MR. SCHAEFFER: The government's, as I said,
18 investigation is ongoing. At this time we don't contemplate
19 additional charges against Mr. Kromah but barring -- that's as
20 much as I can say at this point.

21 THE COURT: Fine. Thank you, counsel.

22 MS. SHROFF: Your Honor, and just the language of the
23 discovery, if the discovery is in not English then I think I
24 would ask for 60 days. I don't know if there are conversations
25 on the videos or whatever it is I'm reviewing or Ms. Gatto is

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1 reviewing, if it is in Twi or in some language for which we
2 will need an interpreter, I will adjust my ask accordingly.

3 THE COURT: Counsel for the United States, can you
4 provide us any information regarding the language of the
5 materials in the discovery?

6 MR. SCHAEFFER: Yes, your Honor. I can't make
7 representations as to all of the videos just at this time, but
8 my understanding is that most of them are in English.

9 THE COURT: Thank you. Counsel, with that
10 information, what's your proposal?

11 MS. SHROFF: Can we come back in 45 days after the 30
12 days? Does that make sense to the Court?

13 THE COURT: Thank you. That's fine.

14 MS. SHROFF: Okay.

15 THE COURT: I would be happy to give you the full two
16 months. If you think that would be appropriate, I will leave
17 it to you. Counsel?

18 MS. SHROFF: I think that would be preferable, your
19 Honor. I know Ms. Gatto is starting a trial. I came here in a
20 rush. So I think 60 days would be better for her.

21 THE COURT: I understand that the defense's proposal
22 is we schedule a status conference for approximately 90 days
23 from today. Counsel for the United States, is that acceptable
24 to you?

25 MR. SCHAEFFER: Yes, your Honor.

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1 THE COURT: Good. Thank you. Mr. Daniels, can you
2 please propose a date.

3 THE DEPUTY CLERK: Sure. Tuesday, September 17, at
4 4 p.m.

5 THE COURT: Counsel, does that date and time work for
6 each of you?

7 MR. SCHAEFFER: Yes, your Honor.

8 MS. SHROFF: That's fine, your Honor.

9 THE COURT: Good. Thank you very much. So, at that
10 conference I hope that counsel for defendant will have had the
11 opportunity to review the discovery, and will be prepared to
12 talk about any potential motions that we might need to brief in
13 connection with this matter.

14 If the parties believe that an extension is warranted,
15 you should feel free to write me in accordance with the terms
16 of my individual rules, if an extension is warranted.

17 So counsel, is there anything else we should discuss
18 before we come to the speedy trial clock? Counsel for the
19 United States?

20 MR. SCHAEFFER: No, your Honor.

21 THE COURT: Thank you. Counsel?

22 MS. SHROFF: No, your Honor. Thank you.

23 THE COURT: Good. Thank you. Counsel for the United
24 States, is there an application?

25 MR. SCHAEFFER: Yes, your Honor. We would ask to

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1 exclude time under the Speedy Trial Act to allow us to collect,
2 assemble, and produce discovery to the defendant and allow the
3 defendant time to review and discuss that discovery.

4 THE COURT: Counsel for defendant, what's your
5 position with respect to that request?

6 MS. SHROFF: Your Honor, it's fine.

7 THE COURT: Thank you. I will exclude time from today
8 until September 17, 2019. I find that the ends of justice
9 served by excluding such time outweigh the best interests of
10 the public and the defendant in a speedy trial, because it will
11 allow time for the production of discovery and review of those
12 materials by the defendant, and also permit time for the
13 defendant to consider any potential motions in connection with
14 this case.

15 Is there anything else we should discuss before we
16 adjourn, counsel for the United States?

17 MR. SCHAEFFER: No, thank you, your Honor.

18 THE COURT: Counsel for defendant?

19 MS. SHROFF: No, your Honor. Thank you.

20 THE COURT: Good thank you very much. This proceeding
21 is adjourned.

22 (Adjourned)

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